

### **REMARKS**

Claims 1-9 and 11-22 remain pending in the application including independent claims 1, 2, 11, and 16. Claim 10 has been cancelled. Claims 11-15 are allowed. Claims 2-9 and 19-20 are indicated as allowable. Claim 2 has been rewritten in independent form, thus, claims 2-9 should now be in condition for allowance.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Stech (US 5377736). This rejection is moot as claim 1 has been amended to include the features of claim 10.

Claims 10, 16, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stech in view of Hertel (US 3405952). Claim 1, which now includes the features of claim 10, recites that the axle shaft axis of rotation is parallel to and spaced apart from said wheel axis of the wheel shaft, with the wheel shaft including the laterally extending bore. The recited references do not disclose, suggest, or teach this claimed combination.

Stech discloses a driveline configuration with axle shafts that directly drive wheel ends. Hertel discloses a driveline configuration with axle shafts 30 that are offset from wheel shafts 1a. Stech discloses forming a fluid passage in an axle shaft and does not include a wheel shaft as defined in the claims. Hertel does not disclose the formation of any type of fluid passage within a wheel component, let alone teaching a fluid passage being formed in a wheel shaft as defined in claim 10.

Thus, neither Stech nor Hertel discloses forming a fluid passage in a wheel shaft defining a wheel axis that is parallel to and spaced apart from an axle shaft axis. The only teaching of forming a fluid passage in a wheel shaft as defined in claim 10 is in the present application. For this reason, claim 1 is allowable over the recited combination. For similar reasons claims 16 and 17 are also allowable over the recited combination.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stech in view of Hauser (US 6122996). Claim 18 is dependent from claim 16, which recites that the first and second wheel shafts define a wheel axis that is transverse to the longitudinal axis, and which is parallel to and spaced apart from the axle axis. The examiner has admitted that Stech does not



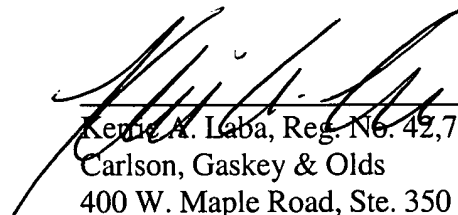
Serial No. 10/765,291  
60,130-1907; 03MRA0279

disclose this feature. Hauser also does not disclose this feature, see Figure 21. Thus, claim 18 is allowable over the recited combination.

Claims 21 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stech in view of Schultz (US 4883106). This rejection is moot based on the amendment to claim 1 discussed above.

Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. A check is enclosed to cover the cost of one additional independent claim. Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

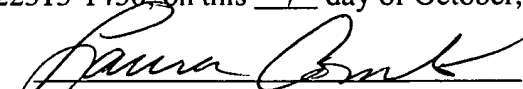
Respectfully submitted,

  
Kerrie A. Laba, Reg. No. 42,777  
Carlson, Gaskey & Olds  
400 W. Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: October 4, 2006

#### CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of October, 2006

  
Laura Combs